



# COMMONWEALTH of VIRGINIA

## *Department of Health Professions*

### *Board of Dentistry*

December 10, 1997

Marcia J. Miller  
Executive Director of the Board

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Michael Vernon  
500 East Plume St., Suite 300  
Norfolk, VA 23510

Dear Mr. Vernon:

Per our conversation on December 2, 1997 regarding the sale of vitamins and minerals from a dental office, I hope the following information will be helpful.

The Dental Practice Act does not address the issue regarding the sale of vitamins and minerals; however, the Medical Practice Act does. Pursuant to §54.1-2963 of the Code of Virginia (as amended), the Board of Medicine has the authority to regulate the sale of vitamins or food supplements by any practitioner of the healing arts. Please review the attached Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, and Physician Acupuncture 18 VAC 85- 20-40 (C). Be advised that in the absence of a provision in the Dental Practice Act, 18 VAC 85-20-40 may be helpful as a guide.

The Board of Dentistry, has in the past, allowed for the sale of vitamins as long as there is no fraud or misrepresentation on the part of the practitioner and providing further, that the dispensing/administration of vitamins has a rational basis and is not used recommended, dispensed or administered at toxic levels.

If you have any questions, please do not hesitate to contact me at (804) 662-9940.

Sincerely,

A handwritten signature in cursive script that reads "Marcia J. Miller".

Marcia J. Miller  
Executive Director

enclosures

**§ 54.1-2963. Selling vitamins or food supplements in connection with a practice of the healing arts.**

The Board shall have authority to promulgate regulations regulating the sale of vitamins or food supplements by any practitioner of the healing arts from the office in which he practices.

(1984, c. 325, § 54-278.2; 1988, c. 765.)

unprofessional conduct unless such professional services rendered are as a result of a bonafide emergency. (*Effective December 20, 1989*) (*Amended-Effective October 23, 1991, adding the wording "discounted or, " and "additional" and deleting "type of"*)

- C. Advertisements of discounts shall disclose the full fee and documented evidence to substantiate the discounted fees. (*Amended-Effective October 23, 1991, adding §C*)

**18 VAC 85-20-40. Vitamins, minerals and food supplements.**

- A. The use or recommendation of vitamins, minerals or food supplements and the rationale for that use or recommendation shall be documented by the practitioner. The rationale for said use must be therapeutically proven and not experimental.
- B. Vitamins, minerals, or food supplements, or a combination of the three, shall not be sold, dispensed, recommended, prescribed, or suggested in toxic doses.
- C. The practitioner shall conform to the standards of his particular branch of the healing arts in the therapeutic application of vitamins, minerals or food supplement therapy.

**18 VAC 85-20-50. Anabolic steroids.**

It shall be considered unprofessional conduct for a licensee of the Board to sell, prescribe, or administer anabolic steroids to any patient for other than accepted therapeutic purposes. (*Amended-Effective October 24, 1990, by adding §1.5*)

**18 VAC 85-20-60. Misleading or deceptive advertising.**

- A. A licensee or certificate holder's authorization of or use in any advertising for his or her practice of the term "board certified" or any similar words or phrase calculated to convey the same meaning shall constitute misleading or deceptive advertising under § 54.1-2914 of the Code of Virginia, unless the licensee or certificate holder discloses the complete name of the specialty board which conferred the aforementioned certification. (*Amended-Effective October 24 1990, by adding §1.6*)
- B. It shall be considered unprofessional conduct for a licensee of the Board to publish an advertisement which is false, misleading, or deceptive. (*Amended-Effective February 25, 1994, by adding §B*)

**18 VAC 85-20-70. Current business addresses.**

Each licensee shall furnish the Board his current business address. All notices required by law or by this chapter to be mailed by the Board to any such licensee shall be validly given when mailed to the latest address given by the licensee. Any change of address shall be furnished to the Board within 30 days of such change. (*Amended-Effective October 23, 1991, by adding §1.7*)